

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

KYLE WAYNE BANKSTON,
Petitioner,

V.

NATHANIEL QUARTERMAN,
Director, TDCJ-CID,
Respondent.

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CIVIL ACTION NO. C-05-448

**ORDER GRANTING MOTION TO WITHDRAW MOTION FOR A
TEMPORARY INJUNCTION**

Petitioner, proceeding *pro se*, filed this case pursuant to 28 U.S.C. § 2254, alleging TDCJ-CID's security precaution designation violates the *Ex Post Facto* clause of the Constitution. A memorandum and recommendation was filed June 15, 2006, recommending that this court dismiss the petition without prejudice (D.E. 27). Petitioner initially filed objections July 3, 2006 (D.E. 30) along with a motion for appointment of counsel and for an extension of time to file additional objections (D.E. 29). His motion for counsel was denied but he was given additional time, until July 31, 2006, to file supplemental objections (D.E. 31). On July 24, 2006, petitioner filed this motion, requesting that he be given time in the law library to research and file his supplemental objections (D.E. 32). Petitioner timely mailed his supplemental objections July 28, 2006.

Along with his objections, petitioner filed a letter stating that his motion was moot and he wished to withdraw it (D.E. 33). Petitioner's motion to withdraw his motion for a temporary injunction is GRANTED and the Clerk shall terminate the motion as moot.

ORDERED this 3rd day of August, 2006.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE